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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,334	10/18/2000	Aninda Dasgupta	US 000013	5217
24737 7590 01/29/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
TRUONG, LECHI				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
01/29/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/691,334

**Applicant(s)**

DASGUPTA, ANINDA

**Examiner**

LECHI TRUONG

**Art Unit**

2194

***--THE MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 18 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: none.  
 Claim(s) objected to: 3, 15 and 24.  
 Claim(s) rejected: 1, 2, 4-14 and 16-23.  
 Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

/LeChi Truong/  
Primary Examiner, Art Unit 2194

Continuation of 11, does NOT place the application in condition for allowance because:

I. Applicant amendment filed on 01/18/2010 has been considered but they are not persuasive:

Applicant argued in substance that :

- (1) " Examiner characterizes the DIAPI as a reverse API. Applicant disagrees with examiner's characterization of the DIAPI of Chaney as a reverse API".
- (2) " The DIAP of Chaney is used to provide a standard interface for communication between the device drivers 152A-152 M and the client computer 104 within the client computer 104 within the client computer-not between a DAPD and a connected device".
- (3) " Chaney relate to a client computer controlling a music render- NOT a music render controlling a client computer"

II. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Chaney teaches the DIAPI is based upon the Component Object Model (COM), which was developed by Microsoft Inc. of Redmond Wash. The DIAPI is described in further detail below with reference to FIG. 3., col 4, In 14-16/ Referring again to FIG. 3, a device driver may invoke the command interface 306[ API] to send one or more predefined commands to the music player. In one embodiment of the invention, the predefined commands include enabling playback and disabling playback [reserve API], col 6, and In 25-35). Fig 3 describes the API which has a command interface 306 enabling playback [reserve API]. Therefore, The DIAPI (Fig. 3) is a reverse API. In addition, since the API in fig. 3 can be used to communicate from music render controller to the drivers and to communicate back from the drivers to the music render controller, the API is the reserve API (col 5, In 41-48).

As to the point (2), Chaney teaches The DIAPI[ reserve API] of the music rendered controller 148 gives the music render manufacturer's flexibility to define what actions [access and control] can be performed with respect to the music render. Furthermore, by using the DIAPI, changes [access and control] in firmware of one of the music renderers 126A 126N do not necessitate changes in the electronic music player 144(col 10, In 18-25)/ By utilizing the identify window pane interface 304 (FIG. 3) [DIAPI], the device driver for the respective music render can display customized control icons for the music render. It is noted that the identify window pane interface 304 can be used in other contexts with respect to the music render and the music player 144, col 8, In 45-50 / Fig. 1/ For example, in one embodiment of the invention, during the transfer of a music item from the client computer 144 to one of the music renderers 126A 126N, the state of the transfer is displayed to the user. By invoking the customize interface name interface 312[DIAPI], the device driver can rename the description of the state, col 9, In 1-8/ A device driver may invoke the customize interface name interface 312 [ DIAPI]to customize any button, control, or textual element that is displayed by the music generator. For example, a button for "begin transfer" does not describe the process of burning a CD. Thus, the device driver for the CD burner can rename the button to something more descriptive such as "begin CD burn." In one embodiment of the invention, to prevent a renaming conflict between two of the device drivers, each of the device drivers can only rename[ control, access] those buttons, controls, or textual elements that are associated with transmitting data to and from the music render that is controlled by the device driver, col 6, In 38-50) .

As to the point (3), Chaney teaches the client computer 104, the music server 128, and the music renderers 126A 126N may each have any conventional general purpose single- or multi-chip microprocessor [processing system] such as a Pentium.RTM. processor, a Pentium.RTM. Pro processor, a 8051 processor, a MIPS.RTM. processor, a Power PC.RTM. processor, or an ALPHA.RTM. processor, col 3, In 38-45 / FIG. 1/ The DIAPI [API] of the music render controller 148 [external interface] gives the music render manufacturer flexibility to define what actions [access and control] can be performed with respect to the music render( col 10, In 18-25)/ If additional features are provided with respect to one the music renderers 126A 126N, a new device driver may be created to communicate with the music render controller 148 and thereby allow the user to take advantage of such new features without requiring a re-design of the music player, col 10, In 11-27/ Using the screen display 400, a user may: (i) play music that resides either on the client computer 104 or one of the music renderers 126A 12, col 6, In 50-55/ client computer has music player and music render controller[ playback device] for storing the API with controls and accesses the music renders having the microprocessor [ processing system] via the drivers ).